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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/165,546	10/02/1998	KNUTH ALEXANDER	LUD5466.4-JE	8012

24972 7590 09/02/2003

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK, NY 10103-3198

EXAMINER

VANDERVEGT, FRANCOIS P

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 09/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

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Address: COMMISSIONER FOR PATENTS

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09/165,546

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

50

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Examiner in charge of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to F. Pierre VanderVegt, Ph.D. in Art Unit 1644.

The response to the Ex parte Quayle action filed on June 6, 2003 is not fully responsive to the prior Office action because:

The computer readable form of the sequence listing is defective for the reasons stated on the enclosed Notice to Comply and marked-up copy of the Raw Sequence Listing. Applicant must submit a substitute CRF and paper copy of the sequence listing, as well as a statement that the content of the paper copy and the CRF are the same.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (703) 305-4441. The examiner can normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

F. Pierre VanderVegt, Ph.D.
Patent Examiner
August 28, 2003

PHILLIP GAMBEL
PHILLIP GAMBEL, PH.D.
PRIMARY EXAMINER
Tech Center 1600
8/28/03

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ ~~An initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ ~~An initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

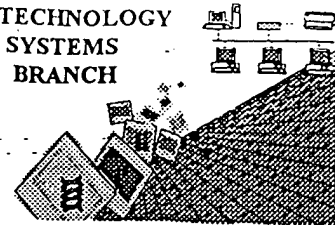
For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Variant 1, P. Re-Run

BIOTECHNOLOGY
SYSTEMS
BRANCH



RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/165,546
Source: 1609
Date Processed by STIC: 6/18/2003

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 04/24/2003

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER:

09/165546R

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 ☐ Wrapped Nucleics
Wrapped Aminos
The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 ☐ Invalid Line Length
The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 ☒ Misaligned Amino
Numbering
The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 ☐ Non-ASCII
The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 ☐ Variable Length
Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 ☐ PatentIn 2.0
"bug"
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s). Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7 ☐ Skipped Sequences
(OLD RULES)
Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 ☐ Skipped Sequences
(NEW RULES)
Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 ☐ Use of n's or Xaa's
(NEW RULES)
Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa; and which residue n or Xaa represents.
- 10 ☐ Invalid <213>
Response
Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence.
- 11 ☐ Use of <220>
Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 ☐ PatentIn 2.0
"bug"
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 ☐ Misuse of n
n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.



1600

RAW SEQUENCE LISTING

DATE: 08/28/2003

PATENT APPLICATION: US/09/165,546C

TIME: 09:59:47

Input Set : A:\pto.da.txt

Output Set: N:\CRF4\08282003\I165546C.raw

SEQUENCE LISTING

1 (1) GENERAL INFORMATION:

C--> 2 (i) APPLICANT: Knuth, Alexader; Jager, Elke; Chen, Yao,
 3 Canlan, Matt; Gure, Ali, Old, Lloyd, Ritter, Gerd
 5 (ii) TITLE OF INVENTION: ISOLATED PEPTIDES CORRESPONDING TO
 6 AMINO ACID SEQUENCES OF NY-ESO-1, WHICH BIND TO
 7 MHC CLASS I AND MHC CLASS II MOLECULES, AND
 8 USES THEREOF
 10 (iii) NUMBER OF SEQUENCES: 15
 12 (iv) CORRESPONDENCE ADDRESS:
 13 (A) ADDRESSEE: FULBRIGHT & JAWORSKI LLP
 14 (B) STREET: 666 Fifth Avenue
 15 (C) CITY: New York City
 16 (D) STATE: New York
 17 (E) COUNTRY: USA
 18 (F) ZIP: 10158
 20 (v) COMPUTER READABLE FORM:
 21 (A) MEDIUM TYPE: Diskette, 3.5 inch, 144 kb storage
 22 (B) COMPUTER: IBM
 23 (C) OPERATING SYSTEM: PC-DOS
 24 (D) SOFTWARE: WordPerfect
 26 (vi) CURRENT APPLICATION DATA:
 C--> 27 (A) APPLICATION NUMBER: US/09/165,546C
 C--> 28 (B) FILING DATE: 10-Feb-1998
 29 (C) CLASSIFICATION: 530
 39 (vii) PRIOR APPLICATION DATA:
 32 (A) APPLICATION NUMBER: 08/937,263
 33 (B) FILING DATE: April 17, 1998
 36 (A) APPLICATION NUMBER: 08/937,263
 37 (B) FILING DATE: September 15, 1997
 40 (A) APPLICATION NUMBER: US 08/752,182
 41 (B) FILING DATE: 03-October-1996
 43 (viii) ATTORNEY/AGENT INFORMATION:
 44 (A) NAME: Hanson, Norman D.
 45 (B) REGISTRATION NUMBER: 30,946
 46 (C) REFERENCE/DOCKET NUMBER: LUD 5466.3
 48 (ix) TELECOMMUNICATION INFORMATION:
 49 (A) TELEPHONE: (212) 688-9200
 50 (B) TELEFAX: (212) 838-3884

PP 1-3

Does it comply
Corrected?

already
 delete - shown below
 with correct filing date

ERRORED SEQUENCES

RAW SEQUENCE LISTING

DATE: 08/28/2003

PATENT APPLICATION: US/09/165,546C

TIME: 09:59:47

Input Set : A:\pto.da.txt

Output Set: N:\CRF4\08282003\I165546C.faw

130 (2) INFORMATION FOR SEQ ID NO: 3:
 131 (i) SEQUENCE CHARACTERISTICS:
 132 (A) LENGTH: 32 base pairs
 E--> 133 (B) TYPE: nuclear acid *nucleic acid This is a global error*
 134 (C) STRANDEDNESS: single
 135 (D) TOPOLOGY: linear
 136 (xi) SEQUENCE DESCRIPTION: SEQ ID NO: 3:
 138 CACACAAAGC TTGGCTTAGC GCCTCTGCCC TG 32
 274 (2) INFORMATION FOR SEQ ID NO: 15:
 275 (i) SEQUENCE CHARACTERISTICS:
 276 (A) LENGTH: 180 amino acids
 277 (B) TYPE: amino acid
 278 (D) TOPOLOGY: linear
 279 (xi) SEQUENCE DESCRIPTION: SEQ ID NO: 15
 281 Met Gln Ala Glu Gly Arg Gly Thr Gly Gly Ser Thr Gly Asp Ala
 E--> 282 5 10 15 ← *misaligned nos. do not use TAB.*
 283 Asp Gly Pro Gly Gly Pro Gly Ile Pro Asp Gly Pro Gly Gly Asn
 284 20 25 30
 E--> 285 Ala Gly Gly Pro Gly Glu Ala Gly Ala Thr Gly Gly Arg Ala Pro *Invalid codes between number*
 286 35 40 45
 287 Arg Gly Ala Gly Ala Ala Arg Ala Ser Gly Pro Gly Gly Gly Ala
 288 50 55 60
 289 Pro Arg Gly Pro His Gly Gly Ala Ala Ser Gly Leu Asn Gly Cys
 290 65 70 75
 291 Cys Arg Cys Gly Ala Arg Gly Pro Glu Ser Arg Leu Leu Glu Phe
 292 80 85 90
 293 Tyr Leu Ala Met Pro Phe Ala Thr Pro Met Glu Ala Glu Leu Ala
 294 95 100 105
 295 Arg Arg Ser Leu Ala Gln Asp Ala Pro Pro Leu Pro Val Pro Gly
 296 110 115 120
 297 Val Leu Leu Lys Glu Phe Thr Val Ser Gly Asn Ile Leu Thr Ile
 298 125 130 135
 299 Arg Leu Thr Ala Ala Asp His Arg Gln Leu Gln Leu Ser Ile Ser
 300 140 145 150
 301 Ser Cys Leu Gln Gln Leu Ser Leu Leu Met Trp Ile Thr Gln Cys
 302 155 160 165
 303 Phe Leu Pro Val Phe Leu Ala Gln Pro Pro Ser Gly Gln Arg Arg
 304 170 175 180
 306 25303395_1.DOC -1-

VERIFICATION SUMMARY

DATE: 08/28/2003

PATENT APPLICATION: US/09/165,546C TIME: 09:59:48

Input Set : A:\pto.da.txt

Output Set: N:\CRF4\08282003\I165546C.faw

L:2 M:220 C: Keyword misspelled or invalid format, [(i) APPLICANT:]
L:27 M:220 C: Keyword misspelled or invalid format, [(A) APPLICATION NUMBER:]
L:28 M:220 C: Keyword misspelled or invalid format, [(B) FILING DATE:]
L:66 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:70 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:73 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1
L:74 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:78 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:82 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:86 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:90 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:94 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:98 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:102 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:106 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:110 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:132 M:241 E: Invalid Alpha Header Field, [TYPE:], SeqNo=3
L:188 M:220 C: Keyword misspelled or invalid format, [(i) SEQUENCE CHARACTERISTICS:]
L:282 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:15
L:285 M:330 E: (2) Invalid Amino Acid Designator, 1